

## IN THE CLAIMS

### Listing of Claims:

1.(Currently Amended) A recording method for recording a data stream on a dual layer recordable disk having a first layer and a second layer, the method comprising an act of performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in variably located OPC-areas on the disk that are variably located on the first layer and the second layer, at least one of the variably located OPC-areas is positioned on the first or second layer and located relatively close to a radius where the data stream switches from the first layer to the second layer.

2.(Previously Presented) The recording method as claimed in claim 1, wherein a location of the at least one of the variably located OPC-areas depends on the amount of information to be recorded on the disk.

3.( Previously Presented) The recording method as claimed in claim 2, wherein an OPC area of the variably located OPC-areas is located in the Middle Zone of the at least one of the layers of the dual layer disk.

4.( Previously Presented) The recording method as claimed in claim 1, comprising a further step of performing a further Optimum Power Control (OPC) procedure, said further Optimum Power Control procedure being performed in a further OPC-area located at a fixed position on at least one of the layers of the dual layer disk and reserved for use by the further Optimum Power Control procedure.

5.( Previously Presented) The recording method as claimed in claim 4, wherein the further Optimum Power Control procedure is performed in a first fixed OPC-area located on the first layer and in a

second fixed OPC-area located on the second layer.

6. (Currently Amended) A recording device for recording ~~information~~ a data stream on a dual layer recordable disk ~~adopted for using the method according to claim 1~~ having a first layer and a second layer, the device comprising:

means for performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in variably located OPC-areas on the disk that are variably located on the first layer and the second layer, at least one of the variably located OPC-areas is positioned on the second layer and located relatively close to a radius where the data stream switches from the first layer to the second layer;

means for writing the data stream on the dual layer disc using the determined optimum writing power.

Claims 7-20 (Canceled)

21. (new) A recording method for recording a data stream on a dual layer recordable disk having a first layer and a second layer, a lead-in zone, a data area for recording user data and a lead-out zone, the method comprising an act of performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in an OPC-area in the data area, the location of the OPC-area in the data area depending on an amount of data in the data stream to be written on the disc.

22. (new) A recording device for recording a data stream on a dual layer recordable disk having a first layer and a second layer, a lead-in zone, a data area for recording user data and a lead-out

zone, the device comprising:

means for performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in an OPC-area in the data area, the location of the OPC-area in the data area depending on an amount of data in the data stream to be written on the disc;

means for writing the data stream on the dual layer disc using the determined optimum writing power.

23. (new) The method of claim 1 wherein the information to be recorded is substantially equally divided between the first layer and the second layer.

24. (new) The method of claim 1 wherein the first layer contains a first data area containing approximately half the data stream and a middle area that contains none of the data stream, and the second layer contains a second data area containing the balance of the data stream, and a second middle area containing none of the data stream, and the first and second middle areas are approximately equal in size and approximately coextensive, and the first and second data areas are approximately equal in size and approximately coextensive.

25. (new) The method of claim 1 wherein the disc has a data size and the data stream has a data size that is substantially less than the data size of the disc and the difference in the data size of the stream and the data size of the disc results in unused data area of the disc, and the unused data area is divided approximately equally between a first unused data area of the first layer and a second unused data area of the second layer, and the unused data area of the first layer is approximately coextensive with the unused data area of the second layer.

26. (new) The method of claim 1 wherein a first data area extends from a lead-in zone of the first layer a radius  $R1$  of the of the

first layer, and a second data area extends beyond radius R1 of the first layer, and a third data area extends from a lead out zone to a second radius R2 in the second layer, and a fourth data area extends beyond radius R2, and approximately half of the data stream is written to each of the first and third data areas, and substantially none of the data stream is written to the second and fourth data areas, and at least one OPC-area is written in the second or fourth data areas near the radius R1 or R2.

27. (new) The method of claim 1 wherein the disk comprises:

a lead-in zone, a first data zone, and a first middle zone in a first layer; and

a second middle zone, a second data zone, and a lead-out zone in a second layer; and

wherein the disk is a write once disc, and a data size of the stored data stream is variable between disks, and the size and location of the lead-out area is independent of the data size of the stored data stream.

28. (new) A recording method for recording a data stream on a dual layer recordable disc, the disc having a first layer with a lead-in zone and a first data zone and a second layer with a second data zone and a lead out area, the method comprising performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in an OPC-area on the disc, wherein the Optimum Power Control procedure is performed in an OPC-area variably located on at least one of the layers of the dual layer disc, and wherein the OPC-area is in the first or second data zones and outside of the area to be recorded with the data stream, the data stream being written in portions of the first and second data zones using the determined optimum write power.

29. (new) A recording device for recording a data stream on a dual

layer recordable disc, the disc having a first layer with a lead-in zone and a first data zone and a second layer with a second data zone and a lead out area, the device comprising:

means for performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in an OPC-area on the disc, wherein the Optimum Power Control procedure is performed in an OPC-area variably located on at least one of the layers of the dual layer disc, and wherein the OPC-area is in the first or second data zones and outside of the area to be recorded with the data stream; and

means for writing the data stream in portions of the first and second data zones on the dual layer disc using the determined optimum writing power.